



DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Norman H. Bangertter
Governor

Dee C. Hansen

Executive Director

Robert L. Morgan

State Engineer

1636 West North Temple, Suite 220

Salt Lake City, Utah 84116-3156

801-538-7240

July 27, 1988

Dorothy Blonquist
181 East 100 North
Coalville, UT 84017

Dear Ms. Blonquist:

It has been brought to my attention by the river commissioner that your diversion for Water Right No. 35-8762 (Award 762 Weber River Decree) from the South Fork of Chalk Creek does not have a headgate and measuring device that can be regulated and locked by the commissioner.

According to Section 73-5-4 of the Utah Code Annotated, 1953:

"Every person using water in this state shall construct or install and maintain a substantial headgate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used. Such controlling works or measuring device shall be of such design as the State Engineer may approve and so that the same can be located and kept set by him or his assistants in determining the amount of water that is to be diverted into his ditch from the stream or water source, or taken from it by the various users."

The Statute further states that,

"If the owner of irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct or install such headgates, caps, valves, flumes or measuring devices after thirty days' notice to do so by the State Engineer, the State Engineer may forbid the use of water until the user thereof shall comply with his requirement or the State Engineer may proceed to construct or install or cause to be constructed or installed such controlling works or measuring devices, and the cost of the same shall be a lien against the lands and water rights served thereby, and the State Engineer is authorized to bring action in the name of the state to foreclose such lien."

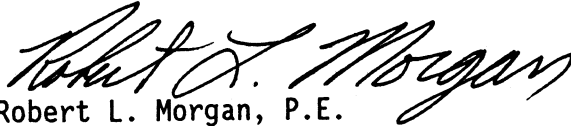
Despite the efforts of the river commissioner to regulate the stream, you have taken it upon yourself to divert the quantity of water that you desire rather than the amount that your right affords you.

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It is, therefore, ORDERED that you install an operating headgate that can be locked and a measuring device according to Section 73-5-4 of the Utah Code Annotated, 1953, by September 1, 1988, or the State Engineer will proceed to take action against you to restrict water use until the lockable headgate and measuring device are installed.

If you have any questions or need assistance regarding this matter, please contact Lee Sim of our Distribution Section or Jim Riley, Area Engineer.

Sincerely,

A handwritten signature in cursive script, reading "Robert L. Morgan".

Robert L. Morgan, P.E.
State Engineer

JER/gm

cc: E. Blaine Johnson, River Commissioner
Lee Sim, Directing Distribution Engineer
Jim Riley, Weber Area Engineer
John Mabey, Assistant Attorney General